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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,421	11/13/2000	Laurent Nivet	P06978US00/RFH	4291

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ALEXANDRIA, VA 22314

EXAMINER

PATEL, RAMESH B

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 06/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/709,421

Applicant(s)

NIVET, LAURENT

Examiner

Ramesh B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: _____.                                   |

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**DETAILED ACTION**

1. Claims 1-8 are presented for examination.

**Priority**

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119 (a)-(d). The certified copy has been filed in this application.

**Information Disclosure Statement**

3. The information disclosure statement submitted on 8/8/2001 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

**Specification**

4. The abstract of the disclosure is objected to because the abstract includes more than one paragraphs. Also, the abstract includes the terms "means" in lines 6 and 11 and the term "Figure 1" in line 13; the "title at the top of the page of the abstract. These are inappropriate for the ~~claim~~ <sup>abstract</sup> language. Appropriate correction is required. See MPEP § 608.01(b).

5. Applicant is reminded of the proper content of an abstract of the disclosure.

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A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

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6. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

**Claim Objections**

7. Claim 6 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 4 and 5. See MPEP § 608.01(n). Accordingly, the claim not been further treated on the merits. It appears to be claim 6 depends on claim 4 and claim 5 in the same claim 6 (see lines 1 and 4).

8. Claims 3-4 and 6 are objected to because of the following informalities: claim 3, lines 2-3 the term(s) "Said means" and "are" appears to be inappropriate because "said means" are used together and there is <sup>not</sup> any plural element is claimed in the claim 3. Claims 4 and 6 are objected to

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because of the following informalities: claims 4 and 6, includes the terms "the or each"; examiner is not sure what it means. Appropriate correction is required.

**Claim Rejections - 35 U.S.C. § 112**

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "for example" and/or "of the type comprising:" in line 1, renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claims 1-4 recites the limitation(s) "the current position"; "the calculation" in lines 3 and 5 of claim 1; "the input"; "the establishment"; "the corresponding theoretical reference values" in lines 7, 10, 12-13 of claim 2; "said means" in line 2 of claim 3; "the continuous comparison" and "the result" in lines 3 and 8 of claim 4. There is insufficient antecedent basis for this limitation in the claim.

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Regarding claims 4 and 6, the phrase "the or each" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are:

- 1) claim 1, line 7 the terms "characterized in that it comprising;" examiner is not sure it referring to what element.
- 2) claims 2-4 the terms "Actuating device"; it appears to be inappropriate because preamble of claims 2-4 is not same as its dependent claim 1.
- 3) claims 5-6 the term "Seat"; it appears to be inappropriate because preamble of claims 5-6 is directed towards "seat" while the dependent claim 1 is directed towards "a device".
- 4) claims 7-8 the terms "Set of seats"; it appears to be inappropriate because preamble of claims 7-8 is not same as its dependent claim 1 due to the inventive subject matters appears to be different as claimed.

Dependent claims which are not particularly rejected are rejected based on the rejected base claim. Applicant is requested to make appropriate correction as required.

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10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. However, examiner has not rejected any claims against any cited prior arts due to the matter stated above for 35 U.S.C. 112, second paragraph rejection to claims 1-8 and the objection to claims as stated above.

11. Any inquiry concerning this or earlier communication from the examiner should be directed to Ramesh Patel at (703) 308-6673.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on (703)305-8498.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800; following Fax numbers are provided for assisting applicant to make any correspondence through Facsimile to TC (Technical Center) - 2100:

After-Final (703) 746-7238  
Official (703) 746-7239  
Non-Official/Draft (703) 746-7240

  
**RAMESH PATEL**  
**PRIMARY EXAMINER**

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June 3, 2003